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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/965,426 Confirmation No. 4436
Applicant : Gary R. DelDuca *et al.*
Filed : September 27, 2001
Title : Modified Atmospheric Packages and Methods for Making the Same

TC/A.U. : 1761
Examiner : Robert A. Madsen

Docket No. : 47097-01106USC1

**FIFTH INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.97 and 1.98**

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313

CERTIFICATE OF MAILING
37 C.F.R. 1.8

Dear Commissioner:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Fifth Information Disclosure Statement be entered and the reference(s) listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.98(d), copies of the listed references are enclosed.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability as defined in 37 C.F.R. §§ 1.56.

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The applicants would like to make the Examiner aware of the following applications that are being pursued by the assignee of the present application:

<u>Application No.</u>	<u>Date Filed</u>	<u>Title</u>
10/970,587	10/21/2004	Method of Forming A Modified Atmospheric Package
10/970,291	10/21/2004	Modified Atmospheric Package
10/970,609	10/21/2004	Modified Atmospheric Package
10/970,612	10/21/2004	Modified Atmospheric Package

As the specifications of each of these applications is the same or similar to the present application and cited U.S. Publication Nos. 2003/0207000 and 2004/0047952, the Applicants are providing copies of the pending claims only on all of the above patent applications.

The present Information Disclosure Statement is being submitted after the mailing of the first Office Action reflecting an examination on the merits but before the mailing of a Final Rejection or Notice of Allowance. Accordingly, in accordance with 37 C.F.R. § 1.97(c), a fee of \$180.00 is included herewith. If this check is inadvertently not enclosed, or is in error in amount, the Commissioner is authorized to charge any deficiency or to credit any over payment to Jenkens & Gilchrist Account No. 10-0447/47097-01106USC1.

Respectfully submitted,



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December 22, 2004

Date

Form PTO-1449 (modified)		Atty. Docket No. 47097-01106USC1	Serial No. 09/965,426
List of Patents and Publications for Applicant's 5 INFORMATION DISCLOSURE STATEMENT REC 27 2004 Page 1 of 1		Applicant Gary R. DelDuca et al.	
		Filing Date: September 27, 2001	Group: 1761

U.S. Patent Documents							
Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date if App.
	A01	2003/0207000	11/06/03	Merriman et al.	426	124	04/25/03
	A02	2004/0047952	03/11/04	Merriman et al.	426	124	04/25/03
	A03	5,629,060	05/13/97	Garwood	428	35.2	06/24/92
	A04	6,315,921	11/13/01	DelDuca et al.	252	188.28	07/02/99
	A05	6,321,509	11/27/01	DelDuca et al.	53	400	06/11/99
	A06	6,395,195	05/28/02	Evans et al.	252	188.28	06/10/00
	A07	6,494,023	12/17/02	DelDuca et al.	53	511	08/10/01
	A08	6,508,955	01/21/03	DelDuca et al.	252	188.28	11/12/99

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B01						Abstract

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation

EXAMINER:	DATE CONSIDERED:
EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.	